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APPLICATION	NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/720,710		11/24/2003	Krishnaraju Varadarajan	031599/261149	5368
826	7590	04/04/2006		EXAMINER	
	N & BIRI		ELOSHWAY, NIKI MARINA		
BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000			00	ART UNIT	PAPER NUMBER
	CHARLOTTE, NC 28280-4000			3727	
			DATE MAILED: 04/04/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/720,710	VARADARAJAN, K RISHNARAJU					
Office Action Summary	Examiner	Art Unit					
	Niki M. Eloshway	3727					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) filed on <u>08 De</u>	ecember 2005.						
	action is non-final.						
3) Since this application is in condition for allowan	,						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) 1-25 is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.						
	Claim(s) is/are allowed.						
i) Claim(s) 1-25 is/are rejected.							
7) Claim(s) is/are objected to.							
· · · · · · · · · · · · · · · · · ·	Claim(s) is/are objected to: Claim(s) are subject to restriction and/or election requirement.						
o) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
))☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some * c) None of:							
	Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
The time distance of the design for a flet of time destined depice flet (deeple).							
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
Paper No(s)/Mail Date Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-15)							
Paper No(s)/Mail Date	6) Other:						
Patent and Trademark Office							

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambleton et al. (U.S. 4,557,398) in view of Quinn (U.S. 6,846,876). Hambleton et al. discloses the claimed invention except for the lower acid content material. Quinn teaches that it is known to provide a heat seal material which comprises an ethylene acrylic acid ionomer and an ethylene methacrylic acid ionomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Hambleton et al. with a heat seal material of Quinn, in order to improve the adherence qualities of the sealing material.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The references of Benzion (U.S. 6,977,101) and Nakagawa (U.S. 6,773,806) and Sullivan (U.S. 6,634,963) are cited for the teaching of the various uses of sealing materials which comprise ethylene acrylic acid ionomer and ethylene methacrylic acid ionomer.

Conclusion

4. In view of the new grounds of rejection, THIS ACTION IS NON-FINAL.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Niki M. Eloshway/nme Patent Examiner

March 31, 2006